

STATE OF NORTH CAROLINA  
COUNTY OF ONSLOW

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NUMBER: 11-CVS-2816

JAMES N. EMCH and wife, DONNETT  
R. EMCH,

Plaintiffs

v.

JERRI BUILDERS, INC.,

Defendant

JERRI BUILDERS, INC.,

Third-Party Plaintiff

v.

ATLANTIC ON-SITE SERVICES, LLC;  
R. HAYWOOD PITTMAN, II d/b/a  
PITTMAN SOIL CONSULTING;  
ONSLow COUNTY; ROBERT  
MCCABE, individual and employee of  
Onslow County; JAMES TEACHEY,  
individual and employee of Onslow  
County; and JON HARRISON,  
individual and employee of Onslow  
County,

Third-Party Defendants

SETTLEMENT AGREEMENT

THIS MATTER was mediated before John A. J. Ward, Certified Mediator, on the 23<sup>rd</sup> day of October, 2013, at the law firm of Erwin & Simpson, PLLC located at 825 Gum Branch Road, Suite 115, Jacksonville, North Carolina. John P. Simpson, Esquire, appeared for the Plaintiffs; H. Mark Hamlet, Esquire, and Rebecca A. Scherrer, Esquire, appeared for the Defendant/Third Party Plaintiff Jerri Builders, Inc; Stephen C. Baynard, Esquire appeared for Third-Party Defendant Atlantic On-Site Services, LLC; Jimmy F. Gaylor, Esquire appeared for Third-Party Defendant R. Haywood Pittman, II d/b/a Pittman Soil Consulting; Julie B. Bradburn, Esquire, appeared for Third-Party Defendant Onslow County; and John P. Barkley, Esquire, appeared for Third-Party Defendants Robert McCabe, James Teachey and Jon Harrison.

After mediation of the matter, the parties resolved the matter and agreed to the following terms of settlement:

*TS*

Handwritten text at the top of the page, possibly a header or title, which is mostly illegible due to fading and noise.

Handwritten text in the middle section of the page, appearing as a single line or short paragraph.

Handwritten text below the middle section, possibly a sub-header or a continuation of the previous line.

A block of handwritten text in the lower-middle section, consisting of several lines of cursive script.

A horizontal line of handwritten text, possibly a separator or a specific entry.

A large block of handwritten text at the bottom of the page, containing multiple lines of cursive script.

1. The Defendant and Third Party Defendants shall pay the Plaintiffs a total settlement consideration as set forth in Paragraph 2 for settlement of all claims, third party claims, <sup>and</sup> crossclaims of the referenced civil action.

2. The Defendant and Third Party Defendants shall pay the Plaintiffs the following settlement considerations:

- Jerri Builders, Inc.: <sup>Note 1</sup> \$16,000<sup>00</sup>
  - Atlantic On-Site Services, LLC: \$4,000<sup>00</sup>
  - R. Haywood Pittman II: \$3,000<sup>00</sup>
  - <sup>San Fernando</sup> ~~Oslo~~ County & named County employees (combined): <sup>Note 2</sup> \$5,500<sup>00</sup>
3. The settlement consideration payments are due to be paid Plaintiffs through their attorney John P. Simpson, Esq. on or before January 7, 2014.

4. In exchange for the payment of the complete settlement consideration the parties shall execute a Stipulation of Dismissal With Prejudice dismissing all claims, third party claims, and crossclaims. The parties shall execute General Releases at the conclusion of the payments.

5. Subject to the Public Records Law the parties shall abide by a Confidentiality Agreement which shall be included in the Mutual Releases referenced above.

6. Note 1: Jerri Builders, Inc. shall also pay all expert fees and costs incurred by or for the benefit of Plaintiffs from the date of this date (October 23, 2013) for the Pre-<sup>construction</sup> Conference, the installation of the new septic systems, and the operations permit.

7. Note 2: Onslow County agrees to pay the entire mediators fee. DHHS shall pay on behalf of the individual sanitarians the entire \$5,500<sup>00</sup> assigned to ~~Onslow County~~ Sanitarians

8. Each party shall pay its own cost and Onslow County shall pay the entire mediators fee as referenced above.

9.

10.

11.

12.

  
Plaintiff

  
Plaintiff

  
Defendant/Third-Party Plaintiff

  
Third-Party Defendant

  
Third-Party Defendant

  
Third-Party Defendant


  
Third-Party Defendant Jon C. Harrison

  
Third Party Defendant James R. Teachey

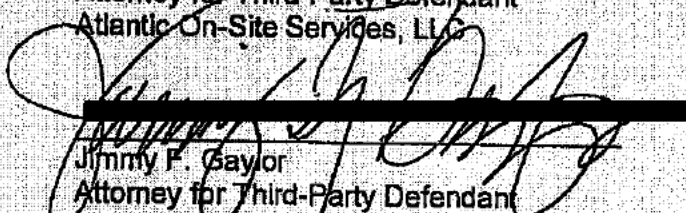
  
Third-Party Defendant Robert L. McCabe


  
L. Layton Long, Jr., on behalf of DTHS

  
John P. Simpson  
Attorney for the Plaintiffs

  
H. Mark Hamlet and Rebecca A. Scherrer  
Attorneys for the Defendant/Third-Party  
Plaintiff Jerri Builders, Inc.


  
Stephen C. Baynard  
Attorney for Third-Party Defendant  
Atlantic On-Site Services, LLC

  
Jimmy F. Gaylor  
Attorney for Third-Party Defendant  
R. Haywood Pittman, II d/b/a Pittman Soil  
Consulting

  
Julie B. Bradburn  
Attorney for Third-Party Defendant  
Onslow County

  
John P. Barkley  
Attorney for Third-Party Defendants Robert  
McCabe, James Teachey and Jon Harrison

  
John A. J. Ward  
Certified Mediator

  
Atlantic Onsite Service LLC by  
EDWARD FAISON